

Lesher, Mark

From: Catlin, Kelley
Sent: Monday, March 11, 2019 4:14 PM
To: 'Michael J. Fischer'
Cc: EST Inc.; Madhu Mandava; Lesher, Mark
Subject: EST - Final SEP Report Delinquent
Attachments: EST - Final SEP Report Delinquent.pdf

Gentlemen,

Please see attached letter.

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913)551-7110
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 11 2019

VIA E-MAIL AND CERTIFIED MAIL

Mr. Michael Fischer, Esq.
Payne & Jones
11000 King, P.O. Box 25625
Overland Park, Kansas 66225

RE: Enviro Science Technologies, Inc.
EPA Docket No.: FIFRA-07-2018-0208
Final Supplemental Environmental Project Report

Dear Mr. Fischer:

On October 2, 2019, the U.S. Environmental Protection Agency emailed you the attached letter regarding the Supplemental Environmental Project being completed by your client, Enviro Science Technologies, Inc., in settlement of alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act. The letter stated that the Final SEP Report for the subject matter was due on January 7, 2019. It also indicated that EPA observed compliance issues on EST's website associated with pesticidal claims made for unregistered products, and compliance issues associated with plant growth regulators. EPA was clear that it expected these compliance issues to be resolved when the Final SEP Report was submitted.

The Final SEP Report is now delinquent. This is a violation of the Consent Agreement and Final Order. According to the Consent Agreement and Final Order, EST is subject to a stipulated penalty of \$250 per day each day the Final SEP Report is late. Not including time that the EPA was subject to the lapse of appropriations in December 2018-January 2019, as of January 28, 2019, stipulated penalties of \$10,500 have accrued. These penalties will continue to accrue until the Final SEP Report is provided to EPA.

A **hard copy** of the complete Final SEP Report shall be received by EPA by **Monday, March 18**. EPA may seek to recover stipulated penalties at any time.

Additionally, EPA recently reviewed EST's webpage, which still contains pesticidal claims made for unregistered products and compliance issues associated with plant growth regulators. We are concerned that these compliance issues have not been resolved. EPA reserves the right to calculate additional stipulated penalties associated with this non-compliance, pursuant to Paragraph 66(a)(vi) of the Consent Agreement and Final Order, and/or to follow up with this ongoing non-compliance at a future date.



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We urge EST to take quick action to address this matter by completing the Final SEP Report and resolving all noncompliant statements on its website. If you have any questions or wish to discuss this matter further, please contact me at (913) 551-7110. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelley Catlin".

Kelley Catlin
Assistant Regional Counsel

cc: Mr. Vaney Patel, EST (via e-mail)
Mr. Madhu Mandava, Mandava Associates, LLC (via e-mail)
Mr. Mark Leshner, EPA (via e-mail)



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REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OCT - 2 2018

VIA E-MAIL

Mr. Michael Fischer, Esq.
Payne & Jones
11000 King, P.O. Box 25625
Overland Park, Kansas 66225

RE: Enviro Science Technologies, Inc.
EPA Docket No.: FIFRA-07-2018-0208
Supplemental Environmental Project – Final Audit Report

Dear Mr. Fischer:

The U.S. Environmental Protection Agency acknowledges receipt of the Final Audit Report, dated May 31, 2018, and received by EPA on July 26, 2018. The Report was submitted by Mandava Associates on behalf of Enviro Science Technologies. The EPA has observed that ESTs website was deleted at the advice of Mandava Associates. At last review, EPA observed compliance issues associated with pesticidal claims made for unregistered products and compliance issues associated with plant growth regulators. EPA did not conduct a complete review, but expects that these compliance issues to be resolved when the final SEP Report is submitted.

According to the CAFO the Final SEP Report is due eight (8) months after the effective date, or January 1, 2019. Because that is a holiday, EPA will push the due date to **January 7, 2019**. Please ensure all requirements of the CAFO are met and that the Final SEP Report meets the requirements set forth in Paragraphs 57-61.

If you have any questions or wish to discuss this matter further, please contact me at (913) 551-7110.
Thank you for your cooperation.

Sincerely,

Kelley Catlin
Assistant Regional Counsel

cc: Mr. Vaney Patel, EST (via e-mail)
Mr. Madhu Mandava, Mandava Associates, LLC (via e-mail)
Mr. Mark Leshner, EPA (via e-mail)



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